

**Amendments to the Drawings:**

The attached replacement sheet of drawings include changes to FIG. 1, and replaces the original sheet including FIG. 1.

The logical intermediary positioning of the Internet file server (IFS) residing between the local traffic system and the central site server has been added to FIG. 1, as described in the specification at page 7, lines 18-19. No new matter has been added.

Replacement Sheets (1 page)

## **REMARKS**

Claims 1-20 were pending in the application. Claims 1-11, 14-16 and 19-20 have been amended. Claims 21-22 are newly submitted. The specification has been amended to correct a typographical error. No new matter has been added. Accordingly, claims 1-22 are pending in the application. Reconsideration is respectfully requested in view of the amendments to the claims and the following remarks.

### **I. Drawings**

The drawings were objected to under 37 CFR 1.83(a). In particular, the Examiner indicated that the logical intermediary position of the Internet file server (IFS) residing between the local traffic system and the central site must be shown or the features cancelled from the claims.

Applicant has amended the drawings to include the IFS logically positioned between the local traffic system and the central site server, as described in the specification at page 7, lines 18-19. No new matter has been added. Applicant respectfully requests withdrawal of the objections to the drawings.

### **II. Double Patenting**

Claims 1-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 19-32 of co-pending U.S. Patent Application No. 09/420,802 in view of U.S. Patent No. 5,892,535 (“Allen”).

Claims 1-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-4 of co-pending U.S. Patent Application No. 09/773,047 in view of Allen.

Claims 1-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-15 of co-pending U.S. Patent Application No. 09/784,865 in view of Allen.

A terminal disclaimer is enclosed to overcome the double patenting rejections.

### **III. The § 103 Rejections**

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,515,098 (“Carles”) in view of U.S. Patent No. 6,487,721 (“Safadi”).

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carles in view of Allen.

Applicant respectfully traverses.

Claim 1, as amended, recites providing an Internet file server (IFS) at a central site of a digital media distributor system. The central site further includes a central site server that stores files transferred to the digital media distributor system. The IFS supports file transfer between the central site server and a local traffic system, and maintains a copy of the files stored on the central site server.

#### *A. Carles Fails To Disclose an IFS Located at a Central Site That Maintains a Copy of the Files Stored on a Central Site Server*

Carles discloses a system of distributing commercial messages over a network to an individually addressable subscriber terminal (see Abstract). In particular, Carles discloses a message distribution center 5 including a server 10 which produces a data stream containing programming information as well as information controlling the programming information (col. 2, ll. 48-52; FIG. 1). FIG. 5 of Carles further illustrates a hierarchical wide area network including a global head end 50, a plurality of regional head ends 52, and a plurality of local distribution centers 5. The global head end 50 and the plurality of regional head ends 52 are

similar to the distribution center 5, except that each maintains databases for a corresponding region of responsibility (col. 8, line 54 –col. 9, line 5).

While Carles discloses a server 10 located in the message distribution 5, Carles fails to disclose a second server – i.e., an IFS – located in the message distribution center 5 that maintains a copy of the files stored on the server 10. Moreover, neither of the global head end 50 nor each of the regional head ends 52 includes a second server as each of the head ends 50, 52 are similar to distribution center 5 (as discussed above) and, therefore, include only a single server. Consequently, Carles fails to disclose an IFS located at a central site that maintains a copy of the files stored on a central site server, as recited in claim 1.

*B. Safadi Fails To Disclose an IFS Located at a Central Site That Maintains a Copy of the Files Stored on a Central Site Server*

Safadi discloses a system for inserting commercials into a digital television signal using cue commands that are consistent for both satellite television uplinks and cable television headends (see Abstract). With respect to satellite television uplinks, FIG. 1 of Safadi discloses an uplink site 100 that includes an inserter 140 and an ad server 150. The inserter 140 inserts digital commercial input received from the ad server 150 into a digital television signal (col. 5, ll. 14-20). With respect to cable television headends, FIG. 2 of Safadi discloses headend 200 that includes an inserter 220 and an ad server 230. The inserter 220 inserts pre-compressed digital commercial content received from the ad server 230 into a corresponding digital television signal (col. 6, ll. 63-67).

As with Carles, Safadi also fails to disclose an IFS located at a central site that maintains a copy of the files stored on a central site server. As discussed above, Safadi discloses an uplink

site 100 and a headend 200 that each respectively includes only a single server – i.e., ad server 150 and ad server 220.

*C. Allen Fails To Disclose an IFS Located at a Central Site That Maintains a Copy of the Files Stored on a Central Site Server*

Allen discloses a configurable system for distributing media to one or more distribution networks (see Abstract). In particular, as shown in FIG. 2, Allen discloses a system 200 that includes a local media server 202, one or more server interface units 204, and a plurality of distribution network interfaces 206. A first communication means permits communication of data between the local server 202 and the one or more server interface units 204, and a second communication means permits communication of data between the server interface unit(s) 204 and a corresponding distribution network interface 206. The local media server stores files of compressed media and communicates the files to appropriate ones of the distribution networks interfaces 206 (col. 16, ll. 2-36).

Allen, nevertheless, fails to disclose an IFS located at a central site that maintains a copy of the files stored on a central site server. That is, as discussed above, Allen discloses a system 200 that includes only a single server – i.e., local media server 202. Allen further discloses that system 200 may include an optional media server 222 (that communicates with multiple local media servers located at different locations), however, media server 222 is located remotely from the local media server 202 (col. 16, ll. 16-20; col. 17, ll. 8-13). Thus, as with Carles and Safadi, Allen also fails to disclose an IFS located at a central site that maintains a copy of the files stored on a central site server.

*D. The claim has limitations not taught by either reference*

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Carles, Safadi and Allen fail to disclose an IFS located at a central site that maintains a copy of the files stored on a central site server. Carles, Safadi and Allen also fail to disclose a local traffic system having direct access to update the copy of the files maintained on the IFS but not having direct access to update the files stored on the central site server. Consequently, any combination of Carles, Safadi and Allen cannot render claim 1 obvious, and the Examiner has not made a *prima facie* showing of obviousness.

For at least these reasons, Applicant submits that claim 1, and the claims that depend therefrom, are in condition for allowance.

*E. Other Independent Claims*

Claims 8 and 15 incorporate limitations similar to those of claim 1. Claims 8 and 15 (and the claims that depend therefrom) are also allowable over Carles, Safadi and Allen for reasons corresponding to those set forth with respect to claim 1.

In view of the foregoing, it is submitted that the claims 1-22 are allowable over the cited references, and are in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP



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